

HOUSE BILL NO. 266

INTRODUCED BY RICE, WAITSCHIES, ARNTZEN, BARRETT, PETERSON, WITT, HENDRICK, RIPLEY,
LAMBERT, MCGILLVRAY, L. JONES

A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE NOXIOUS WEED MANAGEMENT TRUST
FUND CONSTITUTIONAL AMENDMENT; AMENDING SECTIONS 60-3-201, 80-7-508, 80-7-801, 80-7-811,
80-7-814, AND 80-7-815, MCA; AND PROVIDING EFFECTIVE DATES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 60-3-201, MCA, is amended to read:

"60-3-201. Distribution and use of proceeds of gasoline dealers' license tax. (1) All money received
in payment of license taxes under the Distributor's Gasoline License Tax Act, except those amounts paid out
of the ~~department of transportation's~~ department's suspense account for gasoline tax refund, must be used and
expended as provided in this section. The portion of that money on hand at any time that is needed to pay
highway bonds and interest on highway bonds when due and to accumulate and maintain a reserve for payment
of highway bonds and interest, as provided in laws and in resolutions of the state board of examiners authorizing
the bonds, must be deposited in the highway bond account in the debt service fund established by 17-2-102.
After deductions for amounts paid out of the suspense account for gasoline tax refunds, the remainder is
allocated as follows:

- (a) 9/10 of 1% to the state park account;
- (b) 15/28 of 1% to a snowmobile account in the state special revenue fund;
- (c) 1/8 of 1% to an off-highway vehicle account in the state special revenue fund; and
- (d) 1/25 of 1% to the aeronautics revenue fund of the department of transportation under the provisions
of 67-1-301.
- (e) The remainder of the money must be used:
 - (i) by the department of transportation on the highways in this state selected and designated by the
commission;
 - (ii) for collection of the license taxes; and
 - (iii) for the enforcement of the Montana highway code under Article VIII, section 6, of the constitution of

1 this state.

2 (2) The department shall, in expending this money, carry forward construction from year to year, using
3 the money expended in accordance with this title. Nothing in this title conflicts with Title 23, U.S.C., and the rules
4 by which it is administered.

5 (3) The department may enter into cooperative agreements with the national park service and the
6 federal highway administration for the purpose of maintaining national park approach roads in Montana.

7 (4) Money credited to the state park account in the state special revenue fund may be used only for the
8 creation, improvement, and maintenance of state parks where motorboating is allowed. The legislature finds that
9 of all the fuel sold in the state for consumption in internal combustion engines, except fuel for which refunds have
10 been made, not less than 9/10 of 1% is used for propelling boats on waterways of this state.

11 (5) (a) Money credited to the snowmobile account may be used only to develop and maintain facilities
12 open to the general public at no admission cost, to promote snowmobile safety, for enforcement purposes, and
13 for the control of noxious weeds.

14 (b) Of the amounts deposited in the snowmobile account:

15 (i) 13% of the amount deposited must be used by the department of fish, wildlife, and parks to promote
16 snowmobile safety and education and to enforce snowmobile laws. Two-thirds of the 13% deposited must be
17 used to promote snowmobile safety and education and one-third of the 13% deposited must be used for the
18 enforcement of snowmobile laws.

19 (ii) 1% of the amount deposited must be credited to the noxious weed management ~~trust~~ special revenue
20 fund provided for in ~~80-7-814~~ 80-7-816.

21 (c) The legislature finds that of all fuels sold in this state for consumption in internal combustion engines,
22 except fuel for which refunds have been made, not less than 15/28 of 1% is used for propelling registered
23 snowmobiles in this state.

24 (6) (a) Money credited to the off-highway vehicle account under subsection (1)(c) may be used only to
25 develop and maintain facilities open to the general public at no admission cost, to repair areas that are damaged
26 by off-highway vehicles, and to promote off-highway vehicle safety. Ten percent of the money deposited in the
27 off-highway vehicle account must be used to promote off-highway vehicle safety. Up to 10% of the money
28 deposited in the off-highway vehicle account may be used to repair areas that are damaged by off-highway
29 vehicles.

30 (b) The legislature finds that of all fuel sold in this state for consumption in internal combustion engines,

except fuel for which refunds have been made, not less than 1/8 of 1% is used for propelling off-highway vehicles in this state.

(7) Money credited to the aeronautics account of the department of transportation may be used only to develop, improve, and maintain facilities open to the public at no admission cost and to promote aviation safety. The legislature finds that of all the fuel sold in this state for consumption in internal combustion engines, except fuel for which refunds have been made, not less than 1/25 of 1% is used for propelling aircraft in this state."

Section 2. Section 80-7-508, MCA, is amended to read:

"80-7-508. Duties of the cooperative extension service. (1) The cooperative extension service ~~within the department of education~~ shall conduct investigations pertaining to insects and other arthropods affecting plants and animals. When an injurious infestation of an insect or other arthropod occurs in any part of the state, the authorized employees of the cooperative extension service shall go to the scene of the infestation, shall determine the extent and seriousness of the infestation, and shall make public the best remedies to be employed.

(2) The cooperative extension service shall cooperate with the agricultural experiment station in providing annual reports required under 80-7-814(4)."

Section 3. Section 80-7-801, MCA, is amended to read:

"80-7-801. Definitions. As used in this part, the following definitions apply:

(1) "Crop weed" means any plant commonly accepted as a weed and for which grants for management research, evaluation, and education under ~~80-7-814(3)(g)~~ 80-7-814(5)(g) may be given.

(2) "Department" means the department of agriculture established in 2-15-3001.

(3) "Noxious weed" means any weed defined in 7-22-2101(8)(a)."

Section 4. Section 80-7-811, MCA, is amended to read:

"80-7-811. Noxious weed management trust fund. ~~There~~ (1) As required by Article IX, section 6, of the Montana constitution, there is a noxious weed management trust fund of \$10 million. The department shall administer the trust fund in accordance with this part.

(2) Deposits to the principal of the noxious weed management trust fund may include but are not limited

1 to:

2 (a) federal contributions;

3 (b) private donations; and

4 (c) state contributions."

5
6 **Section 5.** Section 80-7-814, MCA, is amended to read:

7 **"80-7-814. Administration and expenditure of funds.** (1) The provisions of this section constitute the
8 noxious weed management program.

9 ~~(1)(2)~~ (a) Except as provided in subsection (2)(b), money deposited in the noxious weed
10 management trust fund may not be committed or expended until the principal reaches \$2.5 million, except in
11 case of a noxious weed emergency as provided in 80-7-815. Once this amount is accumulated, interest or
12 revenue generated by the trust fund and by other funding measures provided by this part, excluding unrealized
13 gains and losses, must be deposited in the special revenue fund and may be expended for noxious weed
14 management projects in accordance with this section, as long as the principal of the trust fund remains at least
15 \$2.5 million.

16 ~~——— (b) Money deposited as principal in the trust fund from [former 80-7-822] may not be expended until the~~
17 ~~principal of the trust fund reaches \$10 million.~~

18 (b) In the case of a noxious weed emergency, as provided in 80-7-815, a vote of three-fourths of the
19 members of each house of the legislature may appropriate principal from the trust fund.

20 ~~(c) However, interest~~ Except as provided in this subsection (2)(c), interest ~~INTEREST~~ or revenue
21 generated by the trust fund, excluding unrealized gains and losses, must be deposited in the noxious weed
22 management special revenue fund and may be expended for noxious weed management projects in accordance
23 with this section. Interest or revenue generated by the trust fund may be expended before the principal of the
24 noxious weed management trust reaches \$10 million with a majority vote of each house of the legislature.

25 (d) Any grant funds, regardless of the time at which the grant was awarded, that are not fully expended
26 upon termination of the contract or an extension of the contract, not to exceed 1 year, must revert to the
27 department. The department shall deposit any reverted funds into the noxious weed management trust fund
28 as principal.

29 ~~(2)(3)~~ The principal of the noxious weed management trust fund in excess of \$10 million may be
30 appropriated by a majority vote of each house of the legislature. Appropriations of the principal in excess of \$10

1 million may be used only to fund the noxious weed management program.

2 (4) The department may expend funds under this section through grants or contracts to communities,
3 weed management districts, or other entities that it considers appropriate for noxious weed management
4 projects. A project is eligible to receive funds only if the county in which the project occurs has funded its own
5 weed management program with a levy in an amount not less than 1.6 mills or an equivalent amount from
6 another source or by an amount of not less than \$100,000 for first-class counties, as defined in 7-1-2111.

7 ~~(3)~~(5) The department may expend funds without the restrictions specified in subsection ~~(2)~~ ~~(3)~~ (4) for
8 the following:

9 (a) employment of a new and innovative noxious weed management project or the development,
10 implementation, or demonstration of any noxious weed management project that may be proposed,
11 implemented, or established by local, state, or national organizations, whether public or private. The
12 expenditures must be on a cost-share basis with the organizations.

13 (b) cost-share noxious weed management programs with local weed management districts;

14 (c) special grants to local weed management districts to eradicate or contain significant noxious weeds
15 newly introduced into the county. These grants may be issued without matching funds from the district.

16 (d) administrative expenses of the department for managing the noxious weed management program
17 and other provisions of this part. The cost of administering the program may not exceed 12% of the total program
18 expenses.

19 (e) administrative expenses incurred by the noxious weed management advisory council;

20 (f) a project recommended by the noxious weed management advisory council, if the department
21 determines that the project will significantly contribute to the management of noxious weeds within the state; and

22 (g) grants to the agricultural experiment station and the cooperative extension service for crop weed
23 management research, evaluation, and education.

24 ~~(4)~~(6) The agricultural experiment station and cooperative extension service shall submit annual reports
25 on current projects and future plans to the noxious weed management advisory council.

26 ~~(5)~~(7) In making expenditures under subsections ~~(2)~~ ~~(3)~~ and ~~(3)~~ ~~(4)~~ THROUGH (5), the department shall
27 give preference to weed management districts and community groups.

28 ~~(6)~~(8) If the noxious weed management trust fund is terminated by ~~law~~ constitutional amendment, the
29 money in the fund must be divided between all counties according to rules adopted by the department for that
30 purpose."

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2 **Section 6.** Section 80-7-815, MCA, is amended to read:

3 **"80-7-815. Noxious weed emergency—~~expenditure authorized.~~** (1) The governor may declare a
4 noxious weed emergency if:

5 (a) a new and potentially harmful noxious weed is discovered growing in the state and is verified by the
6 department; or

7 (b) the state is facing a potential influx of noxious weeds as the result of a natural disaster.

8 (2) In the absence of necessary funding from other sources, ~~this declaration authorizes the department~~
9 ~~to allocate up to \$150,000 of the principal of the noxious weed management trust fund~~ may be appropriated as
10 provided in 80-7-814 to government agencies for emergency relief to eradicate or confine the new noxious weed
11 species or to protect the state from an influx of noxious weeds due to a natural disaster.

12 ~~(3) If the expenditure causes the principal of the trust fund to fall below \$2.5 million, it must be~~
13 ~~replenished by the interest or revenue generated by the trust fund or by the other revenue provided by this part,~~
14 ~~as determined by the department."~~

15

16 **NEW SECTION. Section 7. Effective dates.** (1) Except as provided in subsection (2), [this act] is
17 effective on passage and approval.

18 (2) [Section 5(2)(d)] is effective July 1, 2005.

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